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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

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ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The Following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 24th January, 2013 and the said assent is hereby first published on the 24th January, 2013 in the Andhra Pradesh Gazette for general information.

ACT No. 1 OF 2013.

AN ACT ANDHRA PRADESH SCHEDULED CASTES SUB-PLAN AND TRIBAL SUB-PLAN (PLANNING, ALLOCATION AND UTILISATION OF FINANCIAL RESOURCES) ACT, 2013.

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ANDHRA PRADESH SCHEDULED CASTES SUB-PLAN AND TRIBAL SUB-PLAN (PLANNING, ALLOCATION AND UTILISATION OF FINANCIAL RESOURCES) ACT, 2013.

An Act to ensure, accelerated development of Scheduled Castes and Scheduled Tribes with emphasis on achieving equality in the next ten years focusing on economic, educational and human development along with ensuring the security and social dignity and promoting equity among Scheduled Castes and the Scheduled Tribes, by earmarking a portion, in proportion to population of Scheduled Castes and Scheduled Tribes in the State, of the total plan outlay of the State of Andhra Pradesh as the outlay of the Scheduled Castes Sub-Plan/Tribal Sub-Plan of the State and ensuring effective institutional mechanisms for the implementation and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-third year of the Republic of India as follows:

CHAPTER-I

Preliminary

Short title, extent, commencement, duration and savings.

1. (1) This Act may be called the Andhra Pradesh Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2013.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint, and different dates may be appointed for different provisions of this Act.

(4) It shall cease to have effect after the expiry of ten years from the date of commencement, except in respect of things done or omitted to be done before such cesser and upon such cesser the Andhra Pradesh General Clauses Act, 1891, shall apply as if this Act had been repealed by a State Act.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) **"The Department"** means any Government Department concerned with implementation of the plan schemes for the welfare of Scheduled Castes and Scheduled Tribes;

(b) **"Gaps in development"** means differences in development indicators of Scheduled Castes/Scheduled Tribes when compared to the state averages, as may be prescribed particularly relating to human and economic development;

(c) **"General Schemes"** means schemes included in the Annual Plans of the Departments which benefit all social groups including Scheduled Castes and Scheduled Tribes;

(d) "**Government"** means, the State Government of Andhra Pradesh;

(e) **"Nodal Agency for SCSP"** means the committee headed by Minister of Social Welfare;

(f) **"Nodal Agency for TSP"** means the committee headed by the Minister of Tribal Welfare;

(g) **"Nodal Department"** means Social Welfare Department for Scheduled Castes Sub-Plan and Tribal Welfare Department for Tribal Sub-Plan;

(h) **"Notification"** means notification published in the Andhra Pradesh Gazette and the word 'Notified' shall be construed accordingly;

(i) **"Prescribed"** means prescribed by the Government by rules made under the Act;

(j) **"State Council"** means State Council for Development of Scheduled Castes and Scheduled Tribes constituted under the Act;

(k) **"Scheduled Castes and Scheduled Tribes"** shall have the meanings assigned respectively under clauses (24) and (25) of article 366 of the Constitution of India;

(l) **"Scheduled Castes Sub-Plan (SCSP)"** means the Plan approved by the State Council for inclusion in the Annual Plan of the Department to bridge the gap in development of Scheduled Castes and shall include the SC component of general schemes;

(m) **"Tribal Sub-Plan (TSP)"** means the Plan approved by the State Council for inclusion in the Annual Plan of the Department, to bridge the gap in development of Scheduled Tribes and shall include the ST component of general schemes;

(n) **"Scheduled Castes Sub-Plan/Tribal Sub-Plan Fund"** means a portion of the total plan outlays of the State, in a financial year, as earmarked under the section 3;

(o) **"Schedule Castes Sub-Plan/Tribal Sub-Plan Schemes"** means the Scheduled Castes Sub-Plan/Tribal

Sub-Plan schemes included in the Scheduled Castes Sub-Plan/Tribal Sub-Plan of the Departments;

(p) **"Scheduled Caste/Scheduled Tribe habitation"** means any habitation where population of Scheduled Castes or Scheduled Tribes or combined population of Scheduled Castes and Scheduled Tribes is not less than 40% of the total population of the habitation;

(q) **"Sub-Plans"** means Scheduled Castes Sub-Plan (SCSP) or Tribal Sub-Plan (TSP) or both;

(r) **"Scheduled Areas"** means areas notified under Part C of Fifth Schedule to Constitution of India;

(s) **"Report regarding administration of Scheduled Areas"** means the Report by the Governor to the President of India regarding administration of Scheduled Areas as mentioned in paragraph 3 of Part A of Fifth Schedule to Constitution of India.

(t) **"A.P. Tribes Advisory Council"** means the Tribes Advisory Council as mentioned in paragraph 4 of Part B of Fifth Schedule to Constitution of India."

CHAPTER-II

PLANNING, RESOURCE ALLOCATION FOR SCHEDULED CASTES SUB-PLAN AND TRIBAL SUB-PLAN FUNDS AND SCHEMES

Earmarking of Scheduled Castes Sub-Plan/Tribal Sub-Plan Fund from Plan outlays.

3. The State shall, in every financial year, earmark in such manner as may be prescribed, a portion of the total Plan outlays of the State which shall be proportionate to the Scheduled Castes/Scheduled Tribe population of the State, to be called as Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund:

Provided that, the Fund to be earmarked is determined at least 6 months prior to commencement of the next financial year:

Provided further that, the Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund outlay shall be revised according to State Annual Plan final outlay and:

Provided also that the expenditure of the SCSP/TSP Fund shall be accounted for in the manner hereafter specified in this Act.

Communication of Plan outlay ear-marked as Scheduled Castes Sub-Plan/ Tribal Sub-Plan Fund to the departments.

4. The department as may be authorized by the Government shall, every financial year, communicate, in the manner prescribed, to the other departments, a tentative plan outlay out of Scheduled Castes Sub-Plan / Tribal Sub-Plan Fund as earmarked under Section 3 for preparation of respective department wise Scheduled Castes Sub-Plan/ Tribal Sub-Plan.

Schemes to be included under the Scheduled Castes Sub-plans and Tribal Sub-Plans.

5. The Sub-Plans of the departments shall include only such schemes that secure direct and quantifiable benefits to the Scheduled Caste / Scheduled Tribe individuals or Scheduled Caste/Scheduled Tribe households or Scheduled Caste/Scheduled Tribe habitations or Tribal areas and that have the potential to bridge the gaps in development following the norms laid down in this Act and the rules made thereunder:

Provided that the schemes should be consistent with the Annual and Five Year Plans and priorities of the State of Andhra Pradesh as may be communicated by the Planning department.

6. The departments shall prepare Scheduled Castes Sub-Plan/Tribal Sub-Plan to promote equity in the development among various social groups within Scheduled Castes / Scheduled Tribes and focused development of backward Scheduled Caste/Scheduled Tribe habitations. In case of Tribal Sub Plan, Special attention shall be paid to Scheduled Tribes residing in the Scheduled Areas. **Promotion of equity among Scheduled Castes and Scheduled Tribes.**

7. The departments shall ensure coverage of Scheduled Castes/Scheduled Tribes in the ongoing general schemes consistent with their eligibility for the same. **Obligation to cover Scheduled Castes/ Scheduled Tribes in general schemes.**

8. On receipt of communication under section 4, each department, shall, after estimating the gaps in the development of Scheduled Castes/Scheduled Tribes, prioritize the development needs of Scheduled Castes/ Scheduled Tribes through a consultative process, as may be prescribed, and shall formulate the Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes and prepare the Sub-Plans comprising of the Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes, with in the State Plan priorities as communciated under section 5. **Formulation of Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes and preparation of Sub-Plans by the departments.**

Submission of Sub-Plans proposed to be included in the Annual Plan for appraisal.

9. Each Department, excluding the departments separately notified under this Act, shall submit, each year, to the respective Nodal Departments, the Sub-Plans comprising of Scheduled Castes Sub-Plan/ Tribal Sub-Plan Schemes proposed to be included in the Annual Plans, for appraisal by the Nodal Agency concerned, within the time frame and in the format, as may be prescribed.

CHAPTER-III

APPRAISAL, ALLOCATION OF SCHEDULED CASTES SUB-PLAN /TRIBAL SUB-PLAN FUND AND APPROVAL OF THE SUB-PLANS

Appraisal of the Scheduled Castes Sub-plan and Tribal Sub-Plan Schemes by the Nodal Agencies.

10. The Nodal Agency for Scheduled Castes Sub-Plan/Tribal Sub-Plan, shall take up appraisal of the Scheduled Castes Sub-Plan schemes and Tribal Sub-Plan schemes respectively submitted by departments, to ensure conformity with the conditions and norms laid down in the Act.

Allocation of Scheduled Castes

11. The respective Nodal Agency, while indicating allocation of Scheduled Castes Sub-Plan Fund and Tribal Sub-Plan Fund to the Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes shall follow the following norms namely;-

Sub-Plan Fund and Tribal Sub-Plan Fund for financing the Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes included in the Sub-Plan.

(a) for schemes exclusively benefitting Scheduled Caste/Scheduled Tribe individuals or Scheduled Caste/ Scheduled Tribe households, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan/Tribal Sub-Plan fund;

(b) for schemes benefitting Scheduled Caste / Scheduled Tribe habitations, 100% of scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan/Tribal Sub-Plan fund. In case of other habitations the cost shall be allocated and accounted for under Scheduled Castes Sub-Plan/Tribal Sub-Plan in proportion of the population of the Scheduled Castes or Scheduled Tribes;

(c) for general schemes, included in the Sub-Plans, benefitting Scheduled Caste/Scheduled Tribe individuals or Scheduled Caste/Scheduled Tribe households, along with others, the scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan/Tribal Sub-Plan, in proportion to the Scheduled Caste/Scheduled Tribe beneficiaries covered;

(d) in respect of non-divisible infrastructure works a portion of the scheme cost as may be determined by the Government shall be deemed to have been attributed for Scheduled Castes Sub-Plan and Tribal Sub-Plan respectively.

Recommendation by the Nodal Agencies and Nodal Department.

12. The schemes that fulfill the norms laid down in the Act shall be recommended by Nodal Agency for Social Welfare and Nodal Agency for Tribal Welfare for inclusion in the Annual Plan proposals of the departments and aggregated for placing before the State Council for Development of Scheduled Castes and Scheduled Tribes, for consideration and approval as pre-budget process.

CHAPTER-IV

BUDGET PROVISIONING, DISTRIBUTION AND STRENGTHENING OF IMPLEMENTATION MACHINERY

Budget allocations.

13. The budget approved by the State Council for Scheduled Castes Sub-Plan/Tribal Sub-Plan shall be included in the Demands for Grants for the departments under the relevant head of account for the Scheduled Castes Sub-Plan/Tribal Sub-Plan.

Scheduled Castes Sub-Plan and Tribal Sub-Plan wing in Finance Department.

14. There shall be an exclusive Secretary, Finance in Finance Department for performing the functions relating to Budget implementation and allocation according to the provisions of this Act within the overall discipline of the ways and means position as determined by the Finance department.

Budget Release Orders.

15. Budget Release Orders shall be issued to each department, for the amount provided in the Budget Estimates for Scheduled Castes Sub-Plan/Tribal Sub-Plan immediately after passing of the budget by the State Legislature in accordance with the schedule and norms prescribed.

CHAPTER-V

INSTITUTIONAL ARRANGEMENTS

State Council for Development of Schedule Castes/

16. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute a Council under the Chief Minister, to be known as the State Council for Development of Scheduled Castes and Scheduled Tribes to exercise the powers conferred and to

permform the functions assigned to it under the Act and the rules made thereunder.

Scheduled Tribes.

(2) The State council shall meet at least twice in a year.

Functions of the State Council.

17. The State Council shall,-

(a) advise the State Government on all the policy matters relating to Scheduled Castes Sub-Plan/Tribal Sub-Plan;

(b) suggest measures for proper planning and implementation of the schemes by the departments;

(c) approve the Annual Scheduled Castes Sub-Plan/Tribal Sub-Plan proposals of the Departments;

(d) perform such other functions as may be prescribed.

Nodal Agency and Nodal Department.

18. (1) Nodal Agencies headed by Ministers of Social Welfare and Tribal Welfare, shall be constituted in the manner prescribed, for Scheduled Castes Sub-Plan and Tribal Sub-Plan respectively and shall exercise the powers conferred and perform the functions assigned under this Act.

(2) The Social Welfare Department and Tribal Welfare Department shall act as Nodal Departments for assisting the respective Nodal Agency to perform its functions and exercise its powers.

Functions of Nodal Agency and Nodal Department.

19. The respective Nodal Agency with the assistance of the respective Nodal Department shall,-

(1) Evaluate and appraise Scheduled Castes Sub-Plan/Tribal Sub-Plan proposed by the departments for ensuring conformity to the provisions of this Act;

(2) Prepare State Scheduled Castes Sub-Plan/ Tribal Sub-Plan for placing before the State Council for

Development of Scheduled Castes and Scheduled Tribes for consideration and approval;

(3) Recommend reallocation of Scheduled Castes Sub-Plan/Tribal Sub-Plan funds from a department to other department;

(4) Review the implementation and monitoring of the Scheduled Castes Sub-Plan/Tribal Sub-Plan programme;

(5) Identify impediments and suggest measures for overcoming the impediments;

(6) Co-ordinate with the departments for preparation of State level and district level Scheduled Castes Sub-Plan/ Tribal Sub-Plan;

(7) Maintain transparency in expenditure; maintain scheme wise; district wise, village wise and beneficiary wise details as may be prescribed; set up a web portal for tracking the progress of the implementation, expenditure, output and outcome indicators as may be prescribed of Scheduled Castes Sub-Plan/Tribal Sub-Plan;

(8) Facilitate at least annual social auditing of expenditure of Scheduled Castes Sub-Plan/Tribal Sub-Plan funds and facilitate analysis of improvement in Human Development Index against the projections for the State and district:

Provided that the directions of the Nodal Agency shall be binding on the Departments.

Administrative and technical support to Nodal Department for Scheduled Castes Sub-Plan/ Tribal Sub-Plan.

20. The Government shall appropriately strengthen the Nodal Departments of Social Welfare and Tribal Welfare with an Administrative and Technical Support Unit and a Sub-Plan Research Centre as may be prescribed, to perform the functions and discharge the duties assigned to it and to assist the respective Nodal Agency.

Department level Sub-Plan Support Unit.

21. The departments as identified by the State Council may establish a Sub-Plan Support Unit, as may be prescribed to manage the resepective Scheduled Castes Sub-Plan and Tribal Sub-Plan.

Implementation of Scheduled Castes Sub-Plan/ Tribal Sub-Plan schemes in the districts.

22. (1) The Government shall constitute a District Monitoring Committee in each district with the District Collector as its Chairman, which shall be responsible for implementation of the Scheduled Castes Sub-Plan/Tribal Sub-Plan in the district.

(2) The District Planning Committees of each district shall review the implementation of Scheduled Castes Sub-Plan/Tribal Sub-Plan periodically.

Institutional strengthening for effective implementation and monitoring.

23. The respective departments of Government shall take such measures as may be necessary for institutional strengthening of State, District and Sub-District units by providing necessary guidelines, staff and training to the staff in the manner prescribed, for effective implementation and monitoring.

CHAPTER-VI

TRANSPARENCY AND ACCOUNTABILITY IN THE IMPLEMENTATION OF SCHEDULED CASTES SUB-PLAN/TRIBAL SUB-PLAN.

Transparency and accountability.

24(1) Each department shall ensure transparency and accountability at all levels in the implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan schemes.

(2) Each department shall, host the documents, as may be prescribed in public domain.

Incentives and penalties.

25. Government shall formulate an appropriate scheme, to award incentives for commendable performance and disincentives for proven negligence and lack of due diligence, in discharge of responsibilities under this Act by any functionary or official concerned:

Provided that disciplinary action shall be governed by the relevant service/disciplinary rules applicable to the Government officials and functionaries.

Annual Report to be placed before State Legislature.

26. The Nodal agency shall place before the State Legislature, an Annual Report on outcome of implementation of Scheduled Castes Sub-Plan/Tribal Sub-Plan containing department-wise achievements and the un-utilised funds during the financial year under report. The report on TSP to the extent of scheduled areas shall form part of the Report regarding the administration of scheduled areas to be submitted to Governor in consultation with A.P. Tribes Advisory Council.

27.(1) Subject to the other provisions of this Act, the Government may, by notification, make rules for carrying out all or any of the purposes of this Act. **Power to make Rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) determination of gaps in development of Scheduled Castes and Schedule Tribes under section 2;

(b) earmarking Scheduled Castes Sub-Plan/Tribal Sub-Plan Funds from the plan outlays under section 3;

(c) identification of Scheduled Castes Sub-Plan/ Tribal Sub-Plan Schemes and preparation of Sub-Plans by the departments under section 8;

(d) preparation of budget proposal of Scheduled Castes Sub-Plan/Tribal Sub-Plan for appraisal by the Nodal Departments under section 9;

(e) strengthen the Finance Department for monitoring expenditures under the Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 14;

(f) constitution of, and transaction of business in the State Council for development of Scheduled Castes and Scheduled Tribes; the qualification, disqualification and other allowances to the non-official members of the State Council under section 16;

(g) constitution of Nodal Agencies for Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 18;

(h) maintenance of a web portal by the Nodal Agency under section 19;

(i) constitution of Administrative and Technical Support Unit in respective Nodal Department for Scheduled Castes Sub-Plan /Tribal Sub-Plan under section 20;

(j) constitution of Sub-Plan Support Unit at department level under section 21;

(k) constitution of District Monitoring Committees and the connected matters under section 22;

(l) institutional strengthening at State, district and sub-district level for ensuring effective implementation, awareness, mass contact programme, social audit and monitoring of Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 23; and

(m) procedures for ensuring transparency and accountability in the implementation of Scheduled Castes Sub-Plan and Tribal Sub-Plan under section 24.

(3) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

28. (1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order, make such provisions or give such directions not inconsistent with the provisions of the Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as it is made, before each House of the State Legislature.

R. DAMODAR,
Secretary to Government,
Legislative Affairs & Justice (FAC),
Law Department.

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